

**NAVAL REACTORS DOE DIRECTIVE IMPLEMENTATION BULLETIN NUMBER 451.1-101,  
REVISION 3**

Consistent with the NNPP overall concept of operations, the following provides specific implementation guidance for Department of Energy (DOE) Order 451.1B Change 3, NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE PROGRAM, for those activities under the Director's cognizance. DOE Order 451.1B Change 3 is implemented subject to the modifications provided below:

1. In paragraph 3, DOE Order 451.1B Change 3 recognizes the responsibilities and authority of the Director, Naval Nuclear Propulsion Program and specifies that the Director, for activities under his cognizance, will implement the requirements and practices pertaining to this directive as deemed appropriate. Accordingly, Naval Reactors (NR) Program elements shall implement the requirements of DOE Order 451.1B, subject to the following comments:

a. Paragraph 4.a, 4.c, 4.e, 4.f, and 4.h include requirements and concepts which are already routinely and systematically incorporated in Program work, including NEPA activities. Therefore, NR considers that formal implementation of these requirements as noted throughout the Order is not necessary.

b. Paragraph 4.b states that schedules developed for environmental impact statements (EISs) should provide for completion of a final EIS within 15 months of the issuance of the Notice of Intent. While 15 months is an acceptable guideline, schedules for completion of EISs should be of durations commensurate to Program needs as agreed to by NR Headquarters and the appropriate Field Office.

c. Paragraph 4.d and 4.g discuss periodic NEPA planning and reporting. BMPC shall be requested to prepare and issue to NR an annual summary report addressing these requirements across the Program. Paragraph 4.d specifies that the annual summary report should include any EAs expected to be prepared in the next 12 months and any EISs expected to be prepared in the next 24 months. The specified timelines are for the purposes of the annual summary report. However BMPC should identify the need for an EIS or EA as soon as the need becomes clear to allow for successful funding, project planning, or other considerations. All anticipated NR EISs and EAs should be provided in the cover letter to the annual summary report for NR information.

d. Duties and responsibilities in paragraphs 5.a through 5.f for Secretarial Field Office will be completed by NR Headquarters, and duties and responsibilities for Head of a Field Organization will be completed by Naval Reactors Laboratory Field Office (NRLFO), subject to the following clarifications:

(1) Paragraph 5.a(3-6)&(13) will be performed by NRLFO. NR Headquarters will be the lead for the remaining sub-paragraphs of 5.a. Duties and responsibilities of General Counsel (GC) and DOE counsel in Paragraph 5.a will be performed by NR Headquarters.

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(2) 5.a(14) states that the Secretarial Officer has the responsibility to request variance from the DOE NEPA Regulations or this Order. With regard to the DOE Order, 5.a(14) is not applicable to NR since paragraph 3 of the Order assigns to NR authority for implementation of the Order as deemed appropriate. Any interactions with DOE GC will be the responsibility of NR Headquarters, and subject to NR Headquarters discretion.

(3) NR Headquarters will be the lead for 5.b. Any duties and responsibilities designated for Secretarial Officer or GC will be completed by NR Headquarters.

(4) In paragraph 5.c, actions performed by a "Head of a Field Organization" will be completed by NR Headquarters. Actions performed by a "Head of a subsidiary Field Organization" will be completed by NRLFO. Categorical exclusion determinations will be approved by the NEPA Compliance Officer at NRLFO.

(5) Paragraph 5.d(2) and 5.d(7) will be completed by NRLFO.

(i) The responsibility to invoke categorical exclusions will be performed by NRLFO. The Field Offices shall promptly advise NR Headquarters of any planned activities under their purview that may require preparation of an Environmental Assessment (EA) or an EIS. NRLFO will require BMPC to establish and maintain, on the existing internet websites, locations for posting, as directed by NR, NEPA related documents (such as the annual NEPA planning summary, completed EISs, EAs and categorical exclusions). NR Headquarters will provide these website links to DOE to post on their NEPA website.

(ii) Regarding invoking and posting categorical exclusions, the overarching scope of the NEPA should be considered when assessing the need for such actions. Specifically, the NEPA applies to *major* Federal actions (see 40 CFR 1508.18). While it is possible to read the DOE Implementing Regulations and Order as requiring some form of NEPA documentation for *any* Federal action, such a reading would be inconsistent with Council on Environmental Quality requirements to reduce excessive paperwork and would dilute Government and public focus from those actions which are more likely to have potential for effects that may be major. Accordingly, judgment should continue to be exercised in determining what actions warrant formal documentation of a categorical exclusion. NR Headquarters should be consulted regarding the application of this paragraph for non-routine actions.

(6) NR Headquarters will be the lead for the remaining applicable subparagraphs of 5.d. NR Headquarters will provide information about NR NEPA implementation, for example, as listed in paragraph 5.d(3), 5.d(10), and 5.d(11) when appropriate for NR, at the discretion of NR Headquarters.

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(7) Paragraph 5.e.(1-7) will be performed by NRLFO. Paragraph 5.e(8) will be accomplished by NR Headquarters, in the same way as paragraph 5.d(3).

(8) NR Headquarters will perform GC responsibilities of paragraph 5.f. Paragraph 5.f(9), which involves advising the Secretary of Energy on DOE's NEPA compliance program, is not applicable to NR.

e. Paragraph 5.g discusses Director, Office of NEPA Policy and Compliance responsibilities, and is not applicable to NR.

f. The NNSA Administrator responsibilities in paragraphs 6 are not applicable to NR, since paragraph 3 of the Order assigns to NR authority for implementation of the Order as deemed appropriate.

g. Instead of posting NEPA documents on the Department NEPA website, BMPC will post NEPA documents on the NR NEPA website when directed by NR Headquarters or NRLFO.

h. NEPA determinations are to be made for Major Construction Projects (MCPs) and General Plant Projects (GPPs). Contractor recommended determinations are to be submitted as part of environmental evaluations included in Critical Decision submittals as defined in NR Implementation Bulletin (IB) 413.3-109, Rev. 2 and any subsequent updates. In addition, Contractor recommended NEPA determinations are to be documented in environmental evaluations of select projects other than MCPs and GPPs, such as decontamination and decommissioning, physical construction projects, or capital equipment, where appropriate due to the potential environmental impact (e.g., new emissions). In addition, other projects specifically identified by NRLFO shall receive a NEPA evaluation to determine the effects of the project on the environment.

2. Requests for waivers and exceptions to specific requirements of DOE Order 451.1B Change 3 or this IB will be submitted to NR Headquarters for review and approval.

3. Oversight and evaluation of NEPA COMPLIANCE PROGRAM matters under the Director's cognizance will be conducted by the NRLFO with additional oversight provided by NR Headquarters.

Enclosure (1)